

REMARKS

Claims 1-22 were pending. Claims 10-18 are withdrawn. By virtue of this response, claim 1 is amended, and no new claims have been added. Therefore, claims 1-9 and 19-22 are presently pending for examination. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter is added.

Claim 1 has been amended to clarify that the separation method used in the claimed method “consists of a monolith of a compressible macroporous gel.” Support for this amendment can be found throughout the specification as published in U.S. 2007/0163960, for instance in paragraph [0096] of Example 1, paragraph [0101] of Example 5, and paragraph [0103] of Example 7. Each of these examples teaches a method of producing a monolith of a compressible macroporous gel that is used as the sole separation medium in the separation tray. Claim 1 has also been amended to correct a typographical error.

Claim Rejections Under 35 USC §103

Claims 1-9 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bojanic et al. (U.S. Patent No. 5,417,923) in view of Provonchee et al. (U.S. Patent No. 5,277,915).

The Examiner acknowledged that “Provonchee includes a monolithic hydrogel within a reticulated open-cell foam support”. See page 6 of the Final Office Action dated August 19, 2010. However, the Examiner cited to the use of the open-language term, “comprising,” in the preamble of the claims. As such, the Examiner stated that a matrix in addition to the gel is not prohibited by the structure of the claims.

Applicants have amended claim 1 to clarify that claimed method requires a separation medium that “**consists** of a monolith of a compressible macroporous gel” (emphasis added), thereby excluding the presence of an additional matrix. By way of the amendment, Applicants have made clear that the separation medium consists solely of the “monolith of a compressible macroporous gel.”

As acknowledged by the Examiner, the separation medium of Provonchee includes a reticulated open-cell foam opening. Further, Provonchee instead teaches away from using only the monolithic hydrogel as a separation medium. Specifically, Provonchee teaches that “due to the inherent weakness of the hydrogel”, an additional matrix structure is needed to support and protect the hydrogel against gel disruption or collapse. See Provonchee, column 2, lines 52-60. As such, Provonchee does not cure the deficiencies of Bojanic because Provonchee teaches the use of a gel-in-matrix rather than a separation medium that **consists** of monolithic macroporous gel.

Applicants respectfully request that the rejections of claims 1-9 and 19-22 under 35 U.S.C. 103(a) be withdrawn.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **Docket No. 514862010900**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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